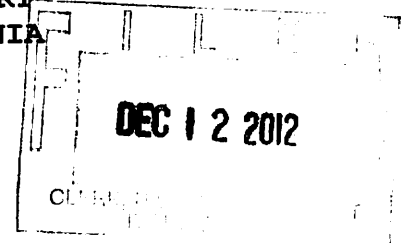


IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division



RAYMOND R. HENDERSON

Plaintiff,

v.

Civil Action No. 3:12cv600

LABOR FINDERS OF VIRGINIA, INC., et al.,

Defendants.

**MEMORANDUM ORDER**

This matter is before the Court on pro se plaintiff Raymond Henderson's MOTION TO DISMISS GORDON S. DICKENS (Docket No. 67).

Plaintiff is seeking the disqualification of Gordon S. Dickens as counsel to defendant Hahn Automotive Warehouse, Inc. Plaintiff asserts impropriety on the part of Mr. Dickens arising out of a letter prepared by Mr. Dickens and sent to the plaintiff following service of the complaint in this action. In that letter, Mr. Dickens expresses strong doubt about the merits of the plaintiff's case and encloses a "Stipulation of Discontinuance With Prejudice" for the plaintiff's signature. Mot. at Ex. 1. The plaintiff argues that this letter was an attempt to "intimidate, coerce, and pressure" the plaintiff into dismissing the action. Mot. at 1. The plaintiff further argues that Mr. Dickens' characterization of the action as having "no basis in law or fact" is incorrect. Id.

"A defendant is not lightly to be deprived of the counsel of his choice. It cannot be a fanciful, unrealistic or purely subjective suspicion of impropriety that requires disqualification. The appearance of impropriety must be real." United States v. Smith, 653 F.2d 126, 128 (4th Cir. 1981) (internal quotations omitted). The moving party must meet a "high standard of proof . . . in light of the party's right to freely choose counsel, and the consequent loss of time and money incurred in being compelled to retain new counsel." Tessier v. Plastic Surgery Specialists, Inc., 731 F. Supp. 724, 730 (E.D. Va. 1990).

Having reviewed the motion and the correspondence in question, the Court finds that Mr. Dickens' letter is permitted by Fed. R. Civ. P. 11 and that Mr. Dickens' continued representation of Hahn Automotive Warehouse, Inc. in this action does not create the appearance of impropriety. Accordingly, the plaintiff's motion is DENIED.

The Clerk shall send a copy of this Order to the Plaintiff.

It is so ORDERED.

\_\_\_\_\_/s/ *REP*  
Robert E. Payne  
Senior United States District Judge

Richmond, Virginia  
Date: December 12, 2012